IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

WP(C).No. 1742 of 2007(G)

PETITIONER:

REMADEVI K.,
REMYA, SARAYOO NAGAR NO.94, ASRAMAM P.O., KOLLAM.

BY ADV. SRI.P.B.SURESH KUMAR

RESPONDENTS:
---

1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. DIRECTOR,
MUNICIPAL ADMINISTRATION, THIRUVANANTHAPURAM.

3. KOLLAM CORPORATION, KOLLAM,
REPRESENTED BY ITS SECRETARY.

4. SECRETARY,
KOLLAM CORPORATION, KOLLAM.

R1 & 2 BY GOVT. PLEADER SHRI. BIJOY CHANDRAN
R3 & 4 BY SC SHRI. M.K.CHANDRAMOHAN DAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 1742 OF 2007

Dated this the 23rd February, 2007.

JUDGMENT

The petitioner filed this writ petition feeling aggrieved by the delay in disbursing the terminal benefits. During the pendency of the writ petition the respondents have paid by treasury cheque a sum of Rs.3,26,534/-. The petitioner, though admits that no more amount is due towards terminal benefits, would contend that for the delay in paying the amount, he is entitled for interest. Counsel for the respondent-Municipality submits that there is no negligence on the part of the Municipality and that delay was neither deliberate nor willful.

2. I think, if the petitioner wants to pursue her claim for interest, she shall file a suit before the competent civil court and agitate that issue (see **V.Vijayakumaran Nair v. State Bank of Tavancore** (2005(1) KLJ 547). Without prejudice to that right of the petitioner, this writ petition is disposed of.

K.K.DENESAN
Judge

jj